

CV -05

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PRO SE OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JANILE F. HACKWORTH

Soc. Sec. # _____

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

BLEESON, J.

CIVIL COMPLAINT

-CV-

POHORELSKY, M.J.

Plaintiff respectfully alleges:

1. That this is an action in the nature of a review of the decision of the administrative law judge pursuant to Section 205(g) and/or Section 1631(c)(3) of the Social Security Act, as amended, 42 U.S.C. Section 405(g) and Section 1383(c)(3).

2. That the plaintiff resides at 134-37 166th PLACE Apt. 3E

Jamaica, N.Y. 11434-3811

3. That the defendant is the Commissioner of Social Security.

4. The defendant, as Commissioner of Social Security, has full power and responsibility over disability insurance benefits and Supplemental Security Income benefits under the Social Security Act, as amended.

5. That the plaintiff became entitled to receive disability insurance benefits and/or Supplemental Security Income benefits by virtue of Sicatica, Leg problems, Migr

Depression, Diabetes

6. That plaintiff's disability has been established and began on 7/03.

7. That the Bureau of Disability Insurance of the Social Security Administration disallowed plaintiff's application upon the ground that plaintiff failed to establish a period of disability and upon the ground that plaintiff did not have an impairment or combination of impairments of the severity prescribed by the pertinent provisions of the Social Security Act to establish a period of disability or to allow disability insurance benefits or Supplemental Security Income benefits.

8. That subsequent thereto, plaintiff requested a hearing, and on Dec. 8, 04 a hearing was held which resulted in a denial of plaintiff's claim on 3-24-05.

9. Thereafter, plaintiff requested a review by the Appeals Council, and after its consideration, said request was denied on May 25, 05 thereby making the administrative law judge's decision the "final decision" of the Commissioner, subject to judicial review pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. Section 405(g).

10. That the decision of the administrative law judge was erroneous.

11. That the decision of the administrative law judge was contrary to the law.

WHEREFORE, plaintiff respectfully prays that

(A) A summons be issued to defendant directing him/her to appear before the Court;

(B) Defendant be ordered to submit a certified copy of the transcript of the record including evidence upon which the findings and decisions complained of, are based;

(C) Upon such record, this Court modify the decision of the defendant to grant maximum monthly insurance and/or Supplemental Security Income benefits to the plaintiff, retroactive to the date of initial disability ; and,

(D) For such other and further relief as to this Court may seem just and proper.

Janice F. Hackworth
Signature of Plaintiff

JANICE Faye HACKWORTH
Name

134-37 166th Place Apt. 3E
Address

Jamaica, N.Y. 11434-3817
City State Zip Code

347
~~718~~ 426-5257
Telephone Number

416-52-3699
Social Security Number

Dated: 9/7/05



Refer to: TAHB
416-52-3699

Office of Hearings and Appeals
5107 Leesburg Pike
Falls Church, VA 22041-3255
Telephone: (703) 605-8000
Date:

JUL - 6 2005

NOTICE OF APPEALS COUNCIL ACTION

Janice Hackworth
134-37 166th Pl, Apt 3E
Jamaica, NY 11434-3811

This is about your request for review of the Administrative Law Judge's decision dated May 25, 2005.

We Have Denied Your Request for Review

We found no reason under our rules to review the Administrative Law Judge's decision. Therefore, we have denied your request for review.

This means that the Administrative Law Judge's decision is the final decision of the Commissioner of Social Security in your case.

Rules We Applied

We applied the laws, regulations and rulings in effect as of the date we took this action.

Under our rules, we will review your case for any of the following reasons:

- The Administrative Law Judge appears to have abused his or her discretion.
- There is an error of law.
- The decision is not supported by substantial evidence.
- There is a broad policy or procedural issue that may affect the public interest.
- We receive new and material evidence and the decision is contrary to the weight of all the evidence now in the record.

What We Considered

In looking at your case, we considered the reasons you disagree with the decision and the additional evidence listed on the enclosed Order of Appeals Council. We found that this information does not provide a basis for changing the Administrative Law Judge's decision.

The Appeals Council finds that the Administrative Law Judge properly evaluated the medical evidence of record and the subjective complaints, and provided sufficient rationale for his decision.

If You Disagree With Our Action

If you disagree with our action, you may ask for court review of the Administrative Law Judge's decision by filing a civil action. If you do not ask for court review, the Administrative Law Judge's decision will be a final decision that can be changed only under special rules.

How to File a Civil Action

You may file a civil action (ask for court review) by filing a complaint in the United States District Court for the judicial district in which you live. The complaint should name the Commissioner of Social Security as the defendant and should include the Social Security number(s) shown at the top of this letter.

You or your representative must deliver copies of your complaint and of the summons issued by the court to the U.S. Attorney for the judicial district where you file your complaint, as provided in rule 4(i) of the Federal Rules of Civil Procedure.

You or your representative must also send copies of the complaint and summons, by certified or registered mail, to:

The General Counsel
Social Security Administration
Room 617 Altmeyer Building
6401 Security Boulevard
Baltimore, MD 21235

And:

The Attorney General of the United States
Washington, DC 20530

Time To File a Civil Action

- You have 60 days to file a civil action (ask for court review).
- The 60 days start the day after you receive this letter. We assume you received this letter 5 days after the date on it unless you show us that you did not receive it within the 5-day period.
- If you cannot file for court review within 60 days, you may ask the Appeals Council to extend your time to file. You must have a good reason for waiting more than 60 days to ask for court review. You must make the request in writing and give your reason(s) in the request.

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You must mail your request for more time to the Appeals Council at the address shown at the top of this notice. Please put the Social Security number(s) also shown at the top of this notice on your request. We will send you a letter telling you whether your request for more time has been granted.

About The Law

The right to court review for claims under Title II (Social Security) is provided for in Section 205(g) of the Social Security Act. This section is also Section 405(g) of Title 42 of the United States Code.

The right to court review for claims under Title XVI (Supplemental Security Income) is provided for in Section 1631(c)(3) of the Social Security Act. This section is also Section 1383(c) of Title 42 of the United States Code.

The rules on filing civil actions are Rules 4(c) and (i) in the Federal Rules of Civil Procedure.

If You Have Any Questions

If you have any questions, you may call, write, or visit any Social Security office. If you do call or visit an office, please have this notice with you. The telephone number of the local office that serves your area is 718-557-6226. Its address is:

Social Security Administration
155-10 Jamaica Ave
Jamaica, NY 11432



Dominic J. Parisi
Appeals Officer

Enclosure: Order of Appeals Council

cc: Liz Shollenberger, Esq.
42-15 Crescent St, 9th Floor
Long Island City, NY 11101

**Social Security Administration
OFFICE OF HEARINGS AND APPEALS**

ORDER OF APPEALS COUNCIL

IN THE CASE OF

CLAIM FOR

Janice Hackworth
(Claimant)

Period of Disability
Disability Insurance Benefits
Supplemental Security Income

(Wage Earner)

416-52-3699
(Social Security Number)

The Appeals Council has received additional evidence which it is making part of the record.
That evidence consists of the following exhibits:

Exhibit AC-1 Letter dated June 15, 2005 from
 Liz Shollenberger, Esq.

Date: JUL - 6 2005